

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

**PATRICIA A. WESTMORE and
DWIGHT R. WESTMORE,**

Plaintiffs,

v.

**DAVID HYDE,
CALLAE K. HYDE,
SHERIFF MICHAEL W. BRENNAN,
DEPUTY TERRI L. PROVOST, and
ASHLAND COUNTY, WISCONSIN**

Case No. 14-CV-861

DEFENDANTS'

**PROPOSED ORDER FOR
MOTIONS IN *LIMINE***

Defendants.

IT IS HEREBY ORDERED:

1. Defendants' motion to exclude any evidence regarding the removal or euthanization of any animals or damages allegedly suffered therefrom on the basis that no federal cause of action exists and such testimony is thus irrelevant and is hereby granted.
2. Defendants' motion to prohibit testimony of or reference to alleged use of excessive force by Deputy Provost on the basis that the Plaintiff cannot prove physical injuries and therefore any such testimony is irrelevant and immaterial and is hereby granted.

3. Defendants' motion to exclude reference or testimony to the letters of Attorney Charles B. Harris, dated April 11, 2014 and May 5, 2014, on the basis that a letter from an independent attorney is irrelevant and immaterial to any issues involved herein is hereby granted.

4. Defendants' motion to exclude any evidence or testimony purporting to claim that the Plaintiffs did not consent to David Hyde entering their property on December 26, 2013, is hereby granted since such consent is admitted in the complaint.

5. Defendants' motion to exclude any evidence, testimony or reference to alleged prior criminal charges of David Hyde is hereby granted since said criminal charge and conviction is greater than ten years old.

6. Defendants' motion to exclude any evidence or testimony regarding alleged prior criminal charges or convictions of Gina Benson or her son, Ty Irons, is hereby granted since it is irrelevant because there is going to be no affirmative testimony by Gina Benson or Ty Irons, which might be impeached by evidence of such a charge or conviction.

7. Plaintiffs' motion in limine to exclude any evidence or testimony regarding the death of Blacky is hereby granted as there is no evidence to establish that any actions on the part of the county contributed to or caused the death of said horse and therefore any such evidence is irrelevant and immaterial to any issues involved herein and can serve only to prejudice the jury.

8. Plaintiffs' motion to exclude any reference or argument that the involved case was Plaintiffs' exclusive or sole remedy is granted, since there are other state remedies which were available to the Plaintiff and had been pursued by her.

9. Defendants' motion excluding any reference to indemnity or liability insurance is granted as any such reference would be irrelevant and immaterial.

10. Defendants' motion to exclude any evidence, testimony or references to alleged criminal convictions of Gina Benson or her son, Ty Irons, on the basis such testimony is irrelevant is granted since the evidence establishes that the animals were seized only after two veterinarians had expressed the opinion they were being abused.

11. Plaintiffs' motion to exclude any evidence or testimony about what Plaintiffs claim other veterinarians who she claims to have contacted regarding her horses and/or donkeys said to Plaintiff is hereby granted on the basis that any such evidence or testimony is hearsay and self-serving.

12. Plaintiffs' motion to exclude any testimony regarding how the Plaintiffs felt about the taking of the animals, their absence or their death, on the basis that such testimony is irrelevant in a property damage or property taking case is hereby granted.

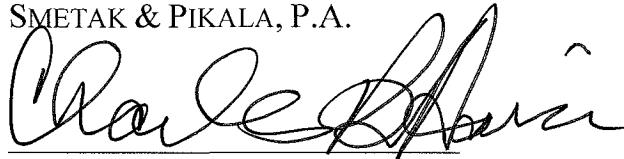
Dated: _____

The Honorable WILLIAM M. CONLEY

DRAFTED BY & APPROVED AS TO FORM:

ARTHUR, CHAPMAN, KETTERING,
SMETAK & PIKALA, P.A.

Dated: 4/19/16.


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Callae Hyde, Sheriff Brennan
and Deputy Provost*